



Memorandum

U.S. Department
of Transportation
Research and
Special Programs
Administration

Date:

JUL 11 2000

Reply to Attn. of: Gorsky, x69532

Subject: Request for Interpretation

Thomas G. Allan

From: Thomas G. Allan

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

To: William A. Quade

Chief of Hazardous Materials Division
Federal Motor Carrier Safety Administration

This responds to your request for an interpretation, dated June 9, 2000, related to acceptable practices for repairing specification cargo tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if "lap patches" are an acceptable alternative for repairing specification cargo tanks.

You are correct that, for ASME Code "U" stamped cargo tanks, repairs using "lap patches" are not authorized. Section 180.413(b)(5) requires any repair to an ASME Code "U" stamped cargo tank to be performed in accordance with the National Board Inspection Code (NBIC). As your memo notes, "lap patches" are not authorized under the NBIC; thus, under the HMR, their use is prohibited for ASME Code "U" stamped cargo tanks. However, for non-ASME code stamped cargo tanks, the HMR do not contain a specific prohibition against the use of "lap patches" for repairs. While we continue to recommend against their use, a cargo tank operator may choose to use a "lap patch" provided the repair conforms to the applicable provisions of the HMR. The repair must be performed by a cargo tank manufacturer holding a valid ASME Certificate of Authorization for use of the "U" stamp or a repair facility holding a valid National Board Certificate of Authorization for use of the "R" stamp (§ 180.413(b)(1)). Further, the repair must conform to the provisions in § 180.413(b)(3) - (b)(6).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

180.413



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

Memorandum

Gorskey
§ 180.413
00-0174

Subject: **INFORMATION:** Lap Patches

Date: JUN 9 2000

From: William A. Quade
Chief of Hazardous Material Division

Reply to
Attn. of:

To: Ed Mazzulo
Director, Hazardous Materials Standards
DHM-10

The FMCSA has received a number of requests to clarify if "lap patches" are an acceptable alternative when repairing a specification cargo tank. In the Federal Register Notice dated Friday October 15, 1993, page 53633 question Q 72 reads:

Does the HMR prohibit the use of patches or overlays in repair of specification tanks or ASME cargo tanks?

Response: RSPA neither endorses nor prohibits specific specification cargo tank repair procedures. However, use of "patches or overlays" is not recommended. The National Board of Boiler and Pressure Vessel Inspectors exercises control over repair of ASME vessels.

49 CFR 180.413 requires a facility to have a "U" or "R" stamp to repair non-ASME tanks and a "R" stamp in order to repair either an ASME stamped tank. We believe that RSPA intended that a facility that has been issued an stamp by the ASME or NBBI must follow the quality control procedures of the NBIC. Since the NBIC prohibits the use of lap patches as an authorized repair (see interpretation NBI 93-2 page 209), we believe that repairs made to specification cargo tanks using lap patches are not authorized and make the tank a non-specification tank until authorized repairs were made. Are we correct?

William A. Quade

INSTRUMENT

(S) (C) (U) (E) (R) (I) (T) (O) (N) (L) (Y)

110

iii

and

33

291

19

243

00000000000000000000